

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION

KATHRYN DUVALL,	)	CIVIL ACTION NO: 2:06-cv-3544-CWH
	)	
Plaintiff,	)	
	)	
v.	)	<b>NOTICE OF FILING EXHIBITS</b>
	)	<b>IN SUPPORT OF RESPONSE TO</b>
HONEYWELL TECHNOLOGY	)	<b>DEFENDANTS' MOTION FOR</b>
SOLUTIONS, INC., a Delaware	)	<b>SUMMARY JUDGMENT</b>
corporation, and HONEYWELL	)	
INTERNATIONAL, INC., a Delaware	)	
corporation,	)	
	)	
Defendants.	)	
_____	)	

**MOTION TO COMPEL DISCOVERY RESPONSES AND SUPPORTING ARGUMENT**

NOW COMES Plaintiff, above-named, by his undersigned counsel, and moves, pursuant to Rule 37 of the Federal Rules of Civil Procedure, for an Order compelling defendants to fully respond to discovery requests described hereinafter (Interrogatories Nos. 9 and 12 and Request for Production No. 12.

AS GROUNDS FOR the foregoing relief, the movant would show the following:

On October 17, 2007, the movant served on Defendants Plaintiff's First Set of Interrogatories to Defendants and Plaintiff's First Requests for Production to Defendants.

Undersigned counsel granted an extension of time through November 30, 2007, to respond, and Defendants served responses dated November 30, 2007.

The response to Interrogatory No. 9 was incomplete and the defendants interposed insufficient objections as to Interrogatory No. 12 and Request for Production No. 12, as shown:

The interrogatories at issue and the defendants' responses were as follows:

**No. 9.** Please identify and produce all writings, or other documents, including but not limited to, notes or memoranda or statements resulting from interviews with witnesses generated, prepared, or obtained in the course of any investigation conducted by each Defendant regarding the events described in the letter of termination of plaintiff's employment dated on or about November 12, 2004.

**"RESPONSE:** All relevant documents are being produced pursuant to Plaintiff's production requests."

**GROUND TO COMPEL:** Neither the response nor any other information provided by defendants identifies the documents, a number of which have been submitted in support of plaintiff's Response in Opposition to Motion for Summary Judgment, and thus need to be properly identified.

No. 12. Please state the latest available net worth figure for each Defendant, respectively.

**"RESPONSE:** Defendants object to this request as irrelevant to the Plaintiff's claims and unlikely to lead to evidence relevant to the Plaintiff's claims."

**GROUND TO COMPEL:** Plaintiff has prayed for punitive damages and the net worth of each defendant is relevant to punitive damages. Since Honeywell is a publicly held company, there is no reason to delay the answer or for a protective order as to defendants' net worth

**RFP # 12.** Please produce a copy of the job description for each position at HONEYWELL TECHNOLOGY SOLUTIONS, INC., and/or at HONEYWELL INTERNATIONAL, INC., held by plaintiff from the beginning of her employment with either of them, through the date her employment was terminated, on or about November 12, 2004.

**RESPONSE:** Defendants object to this request as irrelevant to the Plaintiff's

claims and unlikely to lead to evidence relevant to the Plaintiff's claims.

**GROUND TO COMPEL:** The record reveals a great deal of confusion between plaintiff and her supervisors in 2004, Scott Ledwell and John Samios, about the scope of plaintiff's responsibilities. The job descriptions may not be relevant evidence at trial, but the formal descriptions would shed light on the interactions between plaintiff and her supervisors in 2004. Plaintiff had no such difficulties with her first supervisor, Paul Brasfield.

Each of these discovery requests are set forth in full in copies of the Interrogatories and Requests for Production and responses, attached hereto.

WHEREFORE, Plaintiff prays that the court order that the defendants respond fully to the three requests set forth hereinabove.

Respectfully submitted,

RAY P. McCLAIN, ATTORNEY, P.A.  
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BY: /s/ Ray P. McClain  
RAY P. McCLAIN

Charleston, South Carolina  
December 20, 2007

#### **PROOF OF SERVICE**

I, Ray P. McClain, Esquire, counsel for plaintiff in the above matter, hereby certify that I served counsel for defendants in this matter by filing this Notice of Filing Exhibits in Support of Plaintiff's Response to Defendants' Motion for Summary Judgment through the Electronic Case Filing (ECF) system of this court, this 20<sup>th</sup> day of December, 2007.

/s/ Ray P. McClain